

IN THE SENATE

SENATE BILL NO. 1001, As Amended

BY MCGEE

AN ACT

RELATING TO ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES, SPECIALTY OFF-HIGHWAY VEHICLES OR MOTORBIKES; AMENDING SECTION 49-302, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN OPERATORS OF ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES, SPECIALTY OFF-HIGHWAY VEHICLES OR MOTORBIKES ON CERTAIN ROADS, TO PROVIDE THAT CERTAIN UNLICENSED OPERATORS ON NATIONAL FOREST ROADS MUST HAVE COMPLETED A SAFETY COURSE, TO PROVIDE THAT A CERTIFICATE OR PROOF OF COMPLETION SHALL BE IN THE POSSESSION OF THE UNLICENSED OPERATOR OR PRESENT IN THE VEHICLE, TO PROVIDE THAT THE CERTIFICATE OR PROOF OF COMPLETION SHALL BE PROVIDED FOR INSPECTION, TO PROVIDE THAT NO PERSON SHALL BE CONVICTED OF A CERTAIN VIOLATION IF THAT PERSON PRODUCES, PRIOR TO CONVICTION, THE CERTIFICATE OR PROOF OF COMPLETION THAT SHOWS COMPLETION OF THE COURSE PRIOR TO THE VIOLATION, TO PROVIDE FOR AN INFRACTION, AND TO DEFINE A TERM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-302, Idaho Code, be, and the same is hereby amended to read as follows:

49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons are exempt from licensing if driving privileges are not suspended, canceled, revoked, disqualified, denied or refused:

(1) Any person while driving or operating any farm tractor or implement of husbandry when incidentally operated on a highway.

(2) Farmers are exempt from obtaining a class A, B or C driver's license to operate a commercial motor vehicle which is:

(a) Controlled and operated by a farmer, including operation by employees or family members; and

(b) Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm; and

(c) Not used in the operations of a common or contract motor carrier; and

(d) Used within one hundred fifty (150) miles of the person's farm.

(3) Any person is exempt from obtaining a class A, B or C driver's license for the operation of commercial motor vehicles which are necessary to the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulations.

(4) Any person is exempt from obtaining a class A, B or C license to operate a commercial vehicle which is exclusively used to transport personal possessions or family members for nonbusiness or recreational purposes.

(5) A nonresident who is at least fifteen (15) years of age and who has in his immediate possession a valid driver's license issued to him in his home state or country may operate a motor vehicle in Idaho only as a class D

operator with driving privileges restricted to daylight hours only except as provided in section 49-307(9), Idaho Code, and with full privileges at sixteen (16) years of age, and only if Idaho residency is not established.

(6) A nonresident who is at least fifteen (15) years of age and who has in his possession a valid driver's license with a motorcycle endorsement or who has a valid motorcycle driver's license issued to him in his home state or country may operate a motorcycle in Idaho with driving privileges restricted to daylight hours only, and with full privileges at sixteen (16) years of age.

(7) A nonresident who has in his immediate possession a valid commercial driver's license issued to him in his home state or country may operate a motor vehicle in Idaho.

(8) A nonresident on active duty in the armed forces of the United States who has a valid driver's license issued by his home jurisdiction, and such nonresident's spouse or dependent son or daughter who has a valid driver's license issued by such person's home jurisdiction.

(9) Any active duty military personnel, active duty U.S. coast guard personnel, and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training and national guard military technicians who as civilians are required to wear military uniforms and are subject to the code of military justice, are exempt from obtaining a commercial driver's license to operate military vehicles. This exemption does not apply to U.S. reserve technicians.

(10) Any person with a valid driver's license issued in their name is exempt from the requirement to obtain a motorcycle endorsement on the license when operating a motorcycle on highways or sections of highways designated for unregistered motorcycle use under section 49-426(3), Idaho Code.

(11) Any person under the age of sixteen (16) years when operating an ATV, UTV, specialty off-highway vehicle or motorbike on roads on federal or state land where the road is not part of the highway system of the state of Idaho or ~~any political subdivision thereof when the person~~ local road management authority and is supervised by a licensed adult operator eighteen (18) years of age or older, and the road is open for such use, subject to the following:

(a) Any unlicensed operators under the age of sixteen (16) years, on national forest roads must have completed a motorbike or ATV safety course approved by the Idaho department of parks and recreation, and a certificate or other proof of completion of such safety course shall be in the possession of the unlicensed operator of any ATV, UTV, specialty off-highway vehicle or motorbike, or shall be present in the vehicle at all times when the vehicle is operated on national forest roads. The certificate or proof of completion shall be provided for inspection to any peace officer upon request. No person shall be convicted of violating the provisions of this subsection if that person produces, at any time prior to conviction, the certificate or proof of completion of the approved safety course where the certificate shows completion of the course prior to the violation. In the event of a violation of the provisions of this subsection, the supervising adult may be charged with an infraction.

1 (b) For purposes of this subsection, "supervised" means that the su-
2 pervising adult must be in a position, on another ATV, UTV, specialty
3 off-highway vehicle or motorbike, or if on the ground, within three hun-
4 dred (300) feet of the unlicensed operator, to provide close support,
5 assistance or direction to the unlicensed operator.